INDEX NO. 659836/2024

SUPREME COURT OF THE STATE OF NEW YORK **COUNTY OF NEW YORK** 

In the matter of the Application of

CLEARVIEW AI, INC., Index No. [ ]E

Petitioner,

For a Judgment Pursuant to Article 75 of the Civil AFFIRMATION OF COLLIN J. Practice Law and Rules to Confirm the Parties' VIERRA IN SUPPORT OF

Arbitration Award, PETITION TO CONFIRM ARBITRATION AWARD

V.

INVESTIGATIVE CONSULTANTS, INC. AND

DONALD BERLIN,

Respondents.

I, Collin James Vierra, affirm as follows:

- 1. I am over the age of 18, of sound mind, and otherwise competent to make this Affirmation.
- 2. If called upon, I could testify competently to the matters contained in this Affirmation and the Petition that it Supports. I have read the Petition submitted concurrently herewith and know the contents thereof to be true to the best of my knowledge.
  - 3. I am outside counsel for Clearview AI, Inc. ("Clearview").
- 4. On July 31, 2019, Clearview, ICI, and Berlin signed a contract and agreed to arbitrate any disputes arising from the contract before a single arbitrator in New York City according to the rules of the American Arbitration Association.
  - 5. A true and correct copy of the contract is attached hereto as Exhibit 1.

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6. On June 12, 2023, Clearview initiated the arbitration by filing a notice of arbitration and

statement of claim.

7. On June 30, 2023, ICI and Berlin began participating in the arbitration by filing an

answer and counterclaim. Although at one stage of the arbitration, Berlin sought to be removed from the

arbitration, the Arbitrator denied the request after hearing briefing. Berlin thereafter continued

voluntarily to extensively participate in the arbitration, and never petitioned any court to enjoin the

arbitration or required Clearview to go to court to compel arbitration.

8. Between June 2023 and August 2024, all parties participated in the arbitration by

exchanging discovery, filing motions, taking and defending depositions, and attending preliminary

hearings.

9. On August 26–28, 2024, Clearview, ICI, and Berlin participated in an evidentiary hearing

to arbitrate Clearview's claims and ICI's and Berlin's counterclaim before Arbitrator Usher T. Winslett.

The hearing took place in New York City at the American Arbitration Association's AAA-ICDR New

York Regional Office.

10. On November 7, 2024, Arbitrator Winslett issued an arbitration award granting

Clearview \$873,000 in damages payable by ICI by December 7, 2024; \$193,228.39 in costs and fees

payable by ICI by December 7, 2024; and \$64,409.47 in costs and fees payable joint and severally by

ICI and Berlin by December 7, 2024; plus prejudgment interest. Neither ICI nor Berlin has paid any of

the award.

11. A true and correct copy of the Award is attached hereto as Exhibit 2.

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12. On December 19, 2024, Arbitrator Winslett issued an order denying Respondents' motion to modify the Award, and "reiterat[ing] that the Award is a final award disposing of all claims and counterclaims."

13. A true and correct copy of the Order is attached hereto as Exhibit 3.

I affirm this 23rd day of December 2024, under penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

/s/ Collin Vierra
Collin J. Vierra

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## WORD COUNT CERTIFICATION

I certify that in relying on the word count of the word-processing system used to prepare the petition, the petition complies with the word limits prescribed by Part 202 of the Uniform Civil Rules (472 words excluding caption and signature block).

Dated: December 23, 2024

Respectfully submitted,

/s/ Maria N. Ibrahim

Maria N. Ibrahim (No. 6111512)

Associate Legal Counsel, Clearview AI, Inc. 99 Wall Street, #5730 New York, NY 10005 Maria.Ibrahim@clearview.ai 346-492-8220 FILED: NEW YORK COUNTY CLERK 12/23/2024 03:57 PM

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To:

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